

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN CHARLES MICHAEL, JR.,

Plaintiff,

Case No. 17-cv-12376
Hon. Matthew F. Leitman

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER (1) GRANTING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT (ECF #19), (2) DENYING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT (ECF #20), AND (3) REMANDING THIS
ACTION FOR FURTHER ADMINISTRATIVE PROCEEDINGS**

In this action, Plaintiff John Charles Michael, Jr. challenges the denial of his application for supplemental Social Security income benefits. (*See* Compl., ECF #1.) Michael and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* ECF ## 19, 20.)

On August 3, 2018, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant Michael's motion, deny the Commissioner's motion, and remand this action to the Commissioner for further administrative proceedings (the "R&R"). (*See* ECF #17.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek

review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at Pg. ID 523-24.)

The Commissioner has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because the Commissioner has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant Michael's Motion for Summary Judgment and deny the Commissioner's Motion for Summary Judgment is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Michael's Motion for Summary Judgment (ECF #14) is **GRANTED**, (2) the Commissioner's Motion for Summary Judgment (ECF #19) is **DENIED**, and (3) this action is **REMANDED** to the Commissioner for further administrative proceedings consistent with the R&R and this order.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 24, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 24, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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